

Applicants: McMenimen et al.  
Application No.: 09/775,262  
Page 4

**REMARKS**

In the above reference Office Action, claim 8 was rejected under 35 USC 112, second paragraph. Applicant respectfully asserts that the above amendments obviate the rejection.

Claims 7-9 were rejected under 35 USC 103(a). Applicant respectfully traverses these rejections.

Alt merely teaches the use of a programmer to reprogram an already implanted medical device. That implanted medical device may have features that are selectively enabled or disabled during programming. The reference does not address the manufacture of such devices nor an inventory control system for such devices. That an implanted medical device may be reprogrammed with a programmer is quite well known.

Colligan et al. teach providing a recovery disk that has a password or other security mechanism such that the recovery disk will only work with the hardware originally shipped. Again, this reference does not address the manufacture of medical devices not an inventory control system for the same.

The Examiner has stated that having the claims directed to implanted medical devices does not materially affect the method of filling orders. Applicant must respectfully disagree. The design, manufacture, sale, distribution, implantation, programming, implementation and use of an implantable medical device is extremely unique, highly regulated, and complex process. Thus, linking a serial number of a computer to a copy of software is quite different from acquiring specific information from a medical device with a programmer, passing that information through a communications network to a medical device manufacturer and having that manufacturer then build a new, specific product for the customer's inventory, as described in an embodiment of the present invention.

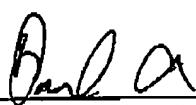
Claims 7-9 include mechanisms for the medical device, removed for customer inventor, to communicate with a manufacturing system and initiate an appropriate manufacturing process.

Applicants: McMenimen et al.  
Application No.: 09/775,262  
Page 5

Applicant respectfully asserts that the claims are in condition for allowance and respectfully requests notice of the same.

Respectfully submitted,

Date: 6/10/04

  
\_\_\_\_\_  
Daniel G. Chapik  
Registration No. 43,424  
MEDTRONIC, INC.  
Telephone: (763) 514-3066  
Facsimile: (763) 505-2530  
Customer No. 27581